



534 BROADHOLLOW ROAD, SUITE 210  
PO Box 9034  
MELVILLE, NY 11747-9034  
(631) 694.2300 • FAX: (631) 694.2309

SERVICE BY FAX, EMAIL OR OTHER FORMS OF  
ELECTRONIC COMMUNICATION NOT ACCEPTED

MATTHEW J. MEHNERT  
PARTNER

DIRECT DIAL: (631) 414.5856  
DIRECT FAX: (631) 454.3867  
MJM@LAMBBARNOSKY.COM

July 19, 2021

**By ECF**

Hon. Anne Y. Shields, U.S.M.J.  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

Re: **Sharpe v. County of Nassau, et al.**  
**Docket No.: 15-cv-6446 (GRB)(AYS)**

Dear Judge Shields,

This office is counsel to Defendants County of Nassau, Nassau County Police Department and Thomas Dale (“the County Defendants”) in the above-entitled action. I write in response to Plaintiff’s request for another extension of the “final” discovery schedule in this matter and, specifically, to correct a number of factual discrepancies in Plaintiff’s request. In addition, I think it noteworthy that the documents involved in this current dispute are not related to any of the underlying events in this case. They are, instead, documents about unrelated Internal Affairs investigations of the individual Defendants. There is no dispute that Plaintiff has been given the complete Internal Affairs file relating to the Department’s investigation of the events that gave rise to this lawsuit.

On January 29, 2021, my Office timely served the County Defendants’ response to Plaintiff’s supplemental document demands. On March 15, 2021, the parties conducted the deposition of Thomas Dale. At the conclusion of that deposition, Plaintiff’s counsel, for the first time, raised some concerns about objections made by all Defendants in response to Plaintiff’s supplemental documents demands. It was agreed at that time that certain documents would be produced as soon as possible. Once it was determined later that same day by me that the volume of the production was going to exceed 1,400 pages, Plaintiff’s counsel, in consultation with counsel for the other Defendants, decided to adjourn the depositions of Messrs. Volpe and Gladitz. I was advised of the adjournment, not asked for my consent, as evident from Exhibit A to Plaintiff’s request.

My Office produced an initial group of documents a week later on March 22, 2021, along with a representation that additional documents relating to Mr. Gladitz did not exist. Thereafter, I reviewed the remaining approximately 1,400 documents and made appropriate redactions to protect personally identifiable

Lamb & Barnosky, LLP

Hon. Anne Y. Shields, U.S.M.J.

Page 2

July 19, 2021

information, confidential personnel information of police officers who are not parties to this lawsuit, information relevant to confidential investigations that are not relevant to this lawsuit and personal medical information of non-parties. Those documents, in redacted form, were produced to all parties the following week, on April 2, 2021. Although nothing was withheld on the basis of privilege, Plaintiff requested that a privilege log be produced with regard to the redacted information. I agreed to prepare something resembling a privilege log and send to all parties. I had at least one conversation with Plaintiff's counsel in April regarding the production of the log, upon which I was actively working.

The redaction log took a significant amount of time, but was ultimately completed and mailed out by my office on May 26, 2021, along with a copy of Mr. Dale's signature page following his review of his deposition transcript. A copy of the log is attached hereto as Exhibit A. It is my Firm's policy and practice to serve all documents, including discovery and signed deposition transcripts, by mail. I did not hear again from Plaintiff's counsel regarding the documents, the redaction log or the rescheduled depositions of Messrs. Volpe & Gladitz until July 9, 2021.

During a telephone conference that day, I learned for the first time that Plaintiff had not received the redaction log. While we were on the phone, I emailed a copy of the documents to all counsel. I also reviewed my file and computer system to ascertain if there was some reason to believe the document had not been sent out. Having reviewed the documents in our files (both hard copy and digital) and spoken with my Office staff, I am confident that my assistant took all appropriate steps to ensure these documents were sent out, consistent with our standard office protocols. Thus, I have no reason to believe that the documents were not sent out on May 26, particularly because the signed cover letter was scanned and saved into our filing system, which is the last thing to occur before a document is mailed out. I have no idea what happened to the documents once they left my office with that day's mail. Accordingly, Plaintiff's suggestion that the documents were not sent out by me before July 9 is, quite simply, wrong.

As Plaintiff admits in the second to last full paragraph of her request, she failed to follow up on the production of the log. Had she done so, we all would have discovered the mail service's error much earlier and taken prompt remedial action. Regardless, the redaction log was not even necessary for Plaintiff to at least commence the depositions of Messrs. Volpe and Gladitz at any earlier point. The documents that were produced provided substantial information that could have been explored, in addition to a deposition about the actual facts of this case. The Court should bear in mind that the documents requested are not related to the underlying events. Instead, they are documents relating to other, unrelated Internal Affairs investigations of the individual Defendants.

Plaintiff has offered no explanation for her failure to reschedule the depositions or follow up on the production of this supposedly necessary redaction log. She merely points the finger at my Office, which is misplaced since I personally prepared the log and made arrangements for it to be mailed. Given this Court's prior Orders, I advised Plaintiff that I could not consent to a further extension of time to complete depositions that Plaintiff has shown no interest in pursuing since early April.

**Lamb & Barnosky, LLP**

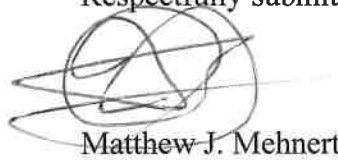
**Hon. Anne Y. Shields, U.S.M.J.**

**Page 3**

**July 19, 2021**

For these reasons, the County Defendants respectfully request that the Court deny Plaintiff's request to extend the discovery schedule. The Court's continuing attention to this matter is greatly appreciated.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Matthew J. Mehnert", is written over a circular stamp or seal. The signature is fluid and cursive.

Matthew J. Mehnert

Enc.

cc: Frederick Brewington, Esq. (via ECF)  
James Murphy, Esq. (via ECF)  
Steven Stern, Esq. (via ECF)

# **EXHIBIT A**

**SHARPE V. COUNTY OF NASSAU, ET AL.**  
**DOCKET NO. 15-CV-6446 (GRB)(AYS)**  
**Redaction Log**

<b>Bates Stamp</b>	<b>Document Type</b>	<b>Reason for Redaction</b>
Nassau County 001136	IAU 80-2013 Summary Sheet	Recommendations regarding discipline for non-party police officers – Confidential personnel information about non-parties that is not relevant to lawsuit
Nassau County 001141	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by Health Insurance Portability and Accountability Act (“HIPAA”)
Nassau County 001142	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001143	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001148	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001150	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001151	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001152	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001153	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001154	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001155	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County	Internal Affairs Summary of Investigation	Medical information relating to treatment of non-party



001156	for IAU 80-2013	police officer – Information protected by HIPAA
Nassau County 001157	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001158	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001159	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001160	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001161	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001165	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001167	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001170	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001172	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001174	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001175	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001176	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001176	Internal Affairs Summary of Investigation for IAU 80-2013	Findings regarding potential violation of Department Rules by non-party police officers – Confidential personnel information about non-parties that is not relevant to lawsuit
Nassau County 001177-82	Internal Affairs Summary of Investigation for IAU 80-2013	Findings regarding potential violation of Department Rules by non-party police officers – Confidential personnel information about non-parties that is not relevant to lawsuit

Nassau County 001182	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001183	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001184-91	Internal Affairs Summary of Investigation for IAU 80-2013	Findings regarding potential violation of Department Rules by non-party police officers – Confidential personnel information about non-parties that is not relevant to lawsuit
Nassau County 001193-95	Internal Affairs Summary of Investigation for IAU 80-2013	Findings regarding potential violation of Department Rules by non-party police officers – Confidential personnel information about non-parties that is not relevant to lawsuit
Nassau County 001196	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001197	Internal Affairs Summary of Investigation for IAU 80-2013	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001200	NCPD Citizen Complaint Summary	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001202	Anonymous letter to Internal Affairs	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001204	Statement of Sgt. Jeffrey Davis	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001210	Statement of P.O. Charles Volpe	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001214	Statement of AMT Daniel Pignataro	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001218	Statement of P.O. Wendy Turner	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001224	Statement of P.O. Douglas Penna	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001228	Statement of P.O. Natalie Coppola	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County	Statement of P.O. Mark Scaliola	Medical information relating to treatment of non-party

001229		police officer – Information protected by HIPAA
Nassau County 001230	Statement of P.O. Christopher Faughnan	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001235	Statement of P.O. Leakat Hanif	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001240	Statement of P.O. Thomas Amadio	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001241	Statement of P.O. Jacques Dartiguenave	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001242	Statement of P.O. Salvatore Maiello	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001243-44	Statement of P.O. Charles Volpe	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001245	Statement of P.O. George Theodoropoulos	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001246	Statement of P.O. Robert Schade	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001247-48	Statement of P.O. Mark Casella	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001253	Statement of P.O. Paul Trosko	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001258	Statement of P.O. Brian Monk	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001259-61	Statement of P.O. Sung Duk Kim	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001263-65	Statement of Sgt. Jeffrey Davis	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001266	Statement of P.O. Eric Kafka	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001269-70	Members Sick Leave Activity Report	Confidential personnel and medical information relating to non-party police officer – Information protected by HIPAA and irrelevant to lawsuit
Nassau County	NPD Inquiry Only Leave Charge Form	Confidential personnel and medical information relating



001271-77		to non-party police officer – Information protected by HIPAA and irrelevant to lawsuit
Nassau County 001279-80	NPD Members Injury/Accident Report	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001283-87	Employer's Report of Work-Related Accident/Occupational Disease to New York Workers' Compensation Board	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001288-89	Employee Claim Form to New York Workers' Compensation Board	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001290-95	Police Surgeon Visit Report	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001297-1318	Police Surgeon Visit Report	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001319-1436	North Shore LIJ Franklin Hospital Medical Records	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001450-53	North Shore LIJ Franklin Hospital Medical Records	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 001455-56	NPD Employee Personal Data and Employment History Form	Personally Identifiable Information ("PII")
Nassau County 001477-78	Internal Affairs Summary of Investigation for IAU 58-2018	Information relating to findings from confidential investigation that is not relevant to lawsuit
Nassau County 001479	Internal Affairs Summary of Investigation for IAU 58-2018	PII
Nassau County 001481	Internal Affairs Summary of Investigation for IAU 58-2018	PII
Nassau County 001484	Internal Affairs Summary of Investigation for IAU 58-2018	PII
Nassau County 001493	Internal Affairs Summary of Investigation for IAU 58-2018	PII
Nassau County 001495	Internal Affairs Summary of Investigation for IAU 58-2018	PII
Nassau County 001519	Backup information attached to Internal Affairs Summary of Investigation for IAU	PII

	58-2018	
Nassau County 001521	NYPD Omniform System – Complaints Form	PII
Nassau County 001525-27	Government Employees Insurance Companies Vehicle Fire Questionnaire	PII
Nassau County 01530	Incident Report Form	PII
Nassau County 01531	Case Summary Report	PII
Nassau County 001533	Case Summary Report	PII
Nassau County 001538	Nassau County Fire Marshal’s Office Incident Report	PII
Nassau County 001559-62	Employer’s Report of Work-Related Accident/Occupational Disease to New York Workers’ Compensation Board	PII
Nassau County 001586-87	Fax transmission from Williams-Sonoma, Inc. to Det. Sgt. Paul Ferrer	PII
Nassau County 001589	Purchase Information report	PII
Nassau County 001591	Payment Inquiry report	PII
Nassau County 001593	Order Detail report	PII
Nassau County 001598	Fax transmission from Williams-Sonoma, Inc. to Det. Sgt. Paul Ferrer	PII
Nassau County 001599	Customer Order report	PII
Nassau County 001601	Williams-Sonoma Payment Transaction Inquiry report	PII
Nassau County 001606	Order Summary report	PII
Nassau County	Customer Order report	PII

001614-15		
Nassau County 001633	Customer Service invoice	PII
Nassau County 001640	Utica First Insurance Company First Report	PII
Nassau County 001643-48	Photo Sheet	PII
Nassau County 001652	LaMarche Associates Company Acknowledgement	PII
Nassau County 001654	Email from LaMarche Associates to "DPLUMLEY"	PII
Nassau County 001656-61	ISO Claimsearch Match Report Summary	PII
Nassau County 001662	Customer Service Summary	PII
Nassau County 001663	Utica First Insurance Company Homeowners Policy Renewal Declaration	PII
Nassau County 001664	Utica First Insurance Company Forms Inventory Page	PII
Nassau County 001665	Email from Donna Plumley	PII
Nassau County 001667-72	ISO Claimsearch Match Report Summary	PII
Nassau County 001674	Customer Service report	PII
Nassau County 001682	LaMarche Associates, Inc. Invoice	PII
Nassau County 001691	Customer Service Summary	PII
Nassau County 001692	Utica First Insurance Company Renewal Declaration	PII
Nassau County 001693	Utica First Insurance Company Forms Inventory Page	PII

Nassau County 001701	Donna Plumley Notes	PII
Nassau County 001704-05	Case Summary Report	PII
Nassau County 001706	LA Inc. Second and Reply Requested Report	PII
Nassau County 001762-78	Amex EveryDay Credit Card report	PII
Nassau County 001779-87	Target Credit Card Report	PII
Nassau County 001803	LA Inc. Fifth Report	PII
Nassau County 001808	LA Inc. Fourth Report	PII
Nassau County 001814	LA Inc. Third Report	PII
Nassau County 001821	LA Inc. Eighth Report	PII
Nassau County 001825-33	Flagstar Bank check	PII
Nassau County 001834-39	MCU Bank check	PII
Nassau County 001845	Case Summary Report	PII
Nassau County 001851	LA Inc. Seventh and Reply Requested Report	PII
Nassau County 001855	LA Inc. Sixth and Reply Requested Report	PII
Nassau County 001860-67	The Tile Shop Invoice	PII
Nassau County 001868	The Tile Shop Receipt	PII
Nassau County	Home Depot Receipt	PII

001870-80		
Nassau County 001881-83	Lowe's Receipt	PII
Nassau County 001884	Weisman Home Outlets Receipt	PII
Nassau County 001888	National Insurance Crime Bureau Claim File Request	PII
Nassau County 001890	National Insurance Crime Bureau Claim File Request	PII
Nassau County 001892	Email from Edwin Carlson to Donna Plumley	PII
Nassau County 001893	National Insurance Crime Bureau Claim File Request	PII
Nassau County 001895	National Insurance Crime Bureau Claim File Request	PII
Nassau County 001897	LA Inc. Tenth and Final Report	PII
Nassau County 001907	Policy Holder's Release of all Claims	PII
Nassau County 001909	Email from Evan Katz to Donna Plumley	PII
Nassau County 001912	Email from Evan Katz to Donna Plumley	PII
Nassau County 001913	Email from Evan Katz to Donna Plumley	PII
Nassau County 001914	LA Inc. Ninth and Reply Requested Report	PII
Nassau County 001928-56	The Tile Shop Invoice	PII
Nassau County 001957	The Tile Shop receipt	PII
Nassau County 001958-61	ISO Claim Search results listing	PII relating to non-parties who share same name as defendant Volpe



Nassau County 001964	ISO Claim Search results listing	PII relating to non-parties who share same name as defendant Volpe
Nassau County 001969	Purchase Summary	PII
Nassau County 001974	Letter from Det. Sgt. Paul Ferrer to MLB.com	PII
Nassau County 001977-2000	REDCard Statement	PII
Nassau County 002001-43	Amex EveryDay Credit Card Statement	PII
Nassau County 002044	REDCard Statement	PII
Nassau County 002047	Email from Charles Volpe to James Tobin	PII
Nassau County 002054	Email from Charles Volpe to James Tobin	PII
Nassau County 002068	Case Summary Report	PII
Nassau County 002069	Case Summary Report	PII of individuals who are not parties to lawsuit
Nassau County 002071-72	Case Summary Report	PII of individuals who are not parties to lawsuit
Nassau County 002080-81	Email from Charles Volpe to James Tobin	PII
Nassau County 002087	NCPD Field Interview Report	PII of individuals who are not parties to lawsuit
Nassau County 002088-89	Mugshot Profile	PII of individuals who are not parties to lawsuit
Nassau County 002091	Photograph	PII
Nassau County 002099-300	Internal Affairs Summary of Investigation for IAU 13-2019	Information relating to findings from confidential investigation that is not relevant to lawsuit
Nassau County	Internal Affairs Summary of Investigation	PII of individual who is not a party to lawsuit

002107	for IAU 13-2019	
Nassau County 002109-10	Internal Affairs Summary of Investigation for IAU 13-2019	Information relating to findings from confidential investigation that is not relevant to lawsuit
Nassau County 002110	Internal Affairs Summary of Investigation for IAU 13-2019	PII
Nassau County 002111	Internal Affairs Summary of Investigation for IAU 13-2019	PII
Nassau County 002136-37	Internal Affairs Summary of Investigation for IAU 13-2019	Information relating to findings from confidential investigation that is not relevant to lawsuit
Nassau County 002169	Internal Affairs Summary of Investigation for IAU 13-2019	Medical information relating to treatment of non-party police officer – Information protected by HIPAA
Nassau County 002198	NCPD Internal Investigation Report	PII
Nassau County 002200	Statement of Charles Volpe	PII
Nassau County 002214-15	Statement of Charles Volpe	Statement taken during confidential investigation that is not relevant to lawsuit
Nassau County 002221	Consent for Release of Patient Information	PII
Nassau County 002230	Email from James Wilson to Paul Ferrer	PII
Nassau County 002236	Statement of Enrico Mango	PII of individual who is not a party to lawsuit
Nassau County 002239	Addendum to Previously Submitted Report	PII
Nassau County 002244-46	Employer's First Report of Work-Related Injury/Illness to New York Workers' Compensation Board	PII
Nassau County 002247	NPD Members Injury/Accident Report	PII
Nassau County 002254	Patient Care Report	PII
Nassau County	Sports Medicine and Spine Rehabilitation,	PII

002280	P.C. report	
Nassau County 002283	Sports Medicine and Spine Rehabilitation, P.C. report	PII
Nassau County 002288	Letter from Office of State Comptroller to Melissa Gallucci	PII
Nassau County 002290-92	Authorization for Release of Health Information	PII
Nassau County 002459-62	EJusticeNY Report	PII
Nassau County 002464	Photograph	PII
Nassau County 002465-69	Search Results	PII
Nassau County 002470-76	Vehicle Detection Report	PII
Nassau County 002502	P.O. Charles Volpe – Timeline of Events	Information relating to findings from confidential investigation that is not relevant to lawsuit